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IN THE
COURT OF APPEALS OF INDIANA

RONNIE ALLEN WRIGHT,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 20A04-0712-CR-745
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ELKHART CIRCUIT COURT
The Honorable Terry C. Shewmaker, Judge
Cause No. 20C01-0507-FA-127

July 8, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Ronnie Allen Wright appeals his conviction and sentence for attempted murder,[1] a Class A felony. On appeal, Wright raises two claims, which we restate as:

I. Whether there was sufficient evidence to support Wright's conviction.

II. Whether his sentence is inappropriate based on his character and the nature of the offense.

We affirm.

FACTS AND PROCEDURAL HISTORY

On May 7, 2005, W.J., Wright's lifelong friend, treated Wright to a trip to a local bar to distract Wright from the loss of his job and his wife, who recently left him. While at the bar, W.J., Wright, and several others drank alcohol. At some point, Wright became enraged and began a confrontation with other customers. W.J. tried to calm him, but the bartender demanded Wright leave. While Wright was outside, he motioned at the bartender, and the bartender told W.J. that Wright was back; however, W.J. thought the bartender meant his fiancé, whom W.J. had called for a ride, had arrived.

W.J. went outside and found Wright with a hunting knife screaming threats that W.J. assumed were intended for the other customers Wright had confronted earlier. W.J. again tried to calm Wright because he thought Wright was going to get arrested for his outrageous behavior. Suspecting that he, too, would get arrested if he stayed, W.J. turned to walk away from Wright. Wright then stabbed the knife into W.J.'s buttocks severing his sciatic nerve and causing him to immediately fall. Wright continued to stab W.J. several times in his chest

[1] *See* IC 35-41-5-1; 35-42-1-1.

cavity near his heart, his bicep, under his rib cage, and in his back. W.J. nearly died as a result of his injuries and is now permanently disabled.

The State charged Wright with attempted murder as a Class A felony, and a jury convicted him as charged. The trial court sentenced Wright to an enhanced sentence of forty-five years with two years suspended to probation. Wright now appeals.

DISCUSSION AND DECISION

I. Sufficiency of the Evidence

Wright claims that the State failed to prove that he intended to kill W.J. Our standard of review of sufficiency of the evidence claims is well settled. We do not reweigh the evidence and do not judge the credibility of witnesses. *Elliott v. State*, 786 N.E.2d 799, 803 (Ind. Ct. App. 2003). We only look to whether there were sufficient facts of probative value that directly or by inference establish the defendant's guilt. *Id.*

In order for the State to prove Wright guilty of attempted murder, the State was required to prove that he intended to kill Wright and took a substantial step in furtherance of murder. *See* IC 35-41-5-1; IC 35-42-1-1. "'Intent to kill may be inferred from the nature of the attack and the circumstances surrounding the crime.'" *Elliott*, 786 N.E.2d at 803 (quoting *Kiefer v. State*, 761 N.E.2d 802, 805 (Ind. 2002) (citing *Nunn v. State*, 601 N.E.2d 334, 339 (Ind. 1992))). Intent to kill may also be inferred from the use of a deadly weapon in a manner likely to cause death or great bodily harm. *Id.* In *Johnson v. State*, 622 N.E.2d 172, 173 (Ind. 1993), our Supreme Court held that intent to commit murder could be inferred from the defendant's use of a serrated knife to stab the victim below the left nipple and also in the abdomen.

Here, the evidence most favorable to the jury's verdict demonstrated that Wright attacked W.J. while W.J. was walking away from him. Without any physical provocation, Wright stabbed W.J. several times including, in his chest, abdomen, buttocks, and bicep with a hunting knife. The evidence presented was sufficient to prove Wright guilty of attempted murder. Wright's claim that he acted in self-defense is a request to reweigh the evidence and judge the credibility of witnesses, which we will not do. *Elliott*, 786 N.E.2d at 803.

II. Sentence

Wright claims that his sentence is inappropriate in light of the nature of the offense and his character. Appellate courts may revise a sentence after careful review of the trial court's decision if they conclude that the sentence is inappropriate based on the nature of the offense and the character of the offender. Ind. Appellate Rule 7(B). Even if the trial court followed the appropriate procedure in arriving at its sentence, the appellate court still maintains a constitutional power to revise a sentence it finds inappropriate. *Hope v. State*, 834 N.E.2d 713, 718 (Ind. Ct. App. 2005).

Here, Wright's sentence does not deserve any sentencing modification. Wright's character is reflected in his criminal history, which included nine juvenile cases, three misdemeanor convictions, and two felony convictions, one of which was battery with a deadly weapon that the State had originally charged as attempted murder. As for the nature of the offense, Wright attacked his lifelong friend, who was walking away from him, and stabbed him several times causing injuries that have rendered W.J. permanently disabled and dependent on societal assistance. We do not find that Wright's forty-three-year executed sentence was inappropriate.

Affirmed.

FRIEDLANDER, J., and BAILEY, J., concur.